

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

J & J SPORTS PRODUCTIONS, INC.,

Plaintiff,

v.

ALEX MATOV, and OASIS COMMUNITY
CENTER, INC,

Defendants.

Case No.1:16cv11864DPW

MOTION FOR VOLUNTARY DISMISSAL

Plaintiff J & J SPORTS PRODUCTIONS, INC. hereby moves, pursuant to Fed.R.Civ.P., Rule 41(a)(2), for voluntary dismissal of the Complaint in its entirety, *with prejudice*.

This motion is made on the grounds that the Defendants Alex Matov and Oasis Community Center, Inc. were named in error as defendants in this action, that with the appearance in this action by Defendant Alex Matov, Plaintiff sought a stipulation to the dismissal of the Complaint -- in its entirety, with prejudice, as provided for in Rule 41(a)(1)(A)(ii), that Defendant's counsel has refused to so stipulate, and that Defendants will not be prejudiced if dismissal as requested is allowed.

This motion is supported by the accompanying Memorandum In Support Of Motion For Voluntary Dismissal and Affidavit of Patricia A. Szumowski.

For the reasons set forth, Plaintiff respectfully requests the Court allow this motion.

CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), counsel hereby certifies that she sought to resolve the issue presented in this motion by offering to stipulate to dismissal of the Complaint several times, including (1) in a December 2, 2016 telephone call with defense counsel Matthew Shayefar, (2) in a December 2, 2016 email to Attorney Shayefar, (3) in a December 6, 2016 email to Attorney Shayefar transmitting a proposed stipulation of dismissal, and (4) in a December 8, 2016 telephone call with Attorney Shayefar.

Plaintiff J & J SPORTS PRODUCTIONS, INC.

Dated: December 14, 2016

By: /s/ Patricia A. Szumowski
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on the NEF.

Dated December 14, 2016

/s/ Patricia A. Szumowski
Patricia A. Szumowski